

CHARLESTON LIQUOR CASES.

Recent Decision of the Supreme Court in
Favor of the County Court and
City Council—Judge Dent's Opinion.

CHARLESTON, W. Va., April 24.—
The fight between the county court and
the city council, which began a year
ago, partially came to an end last week,
when the supreme court of appeals de-
cided in the case of the city of Char-
leston vs. George Heller, that the city
is exempt from the costs in the case,
and that the liquor men will be com-
pelled to bear the burden, which is in
the neighborhood of \$14,000.

The trouble began when the Demo-
cratic council demanded the right to
pass last upon permits for liquor li-
censes. A Republican court denied the
right to council, and asserted emphat-
ically that it had been the custom for
years to allow that privilege to the
court, and furthermore the law was
explicit when it gave them final power.
The first of May saw a dry town, and
for months the struggle continued,
neither the court or the council reced-
ing from the position they had taken.
A minority of the council met in the
course of time and granted licenses,
which were acted favorably upon by the
court, and the saloon keepers again
opened their doors; but every morning
Mayor McCrory, who was identified
with the majority members of
council, summoned them all before him
and fined them \$50 and costs. This
was kept up until the saloon keepers
threatened their cases to the circuit court,
where Judge Guthrie decided in their
favor, and threw the city into the
hands of the county court. The city
from this court the city appealed to
the supreme court, where it was re-
turned from the burden of costs, and
the saloon keepers are made to pay for
the stubbornness of the politicians.

Judge Dent's Decision.
In his opinion, Judge Dent gives a
sweeping decision, and opens the avenue
to more trouble in the future. The
syllabus reads:

1.—Violation of the public ordinances
of cities, towns and villages are strictly
criminal in their nature, being off-
enses against the public, and not
merely private wrongs.

2.—In prosecution for such offenses,
costs are not recovered against such
cities, towns and villages.

3.—Prohibition is the proper remedy
to prevent the enforcement by execu-
tion of unauthorized judgment for
costs.

In defense of his position Judge Dent
says: "The city of Charleston prays a
prohibition against the judge of the
circuit court of Kanawha county pro-
hibiting the enforcement of a judgment
for costs against the city in favor of
one George Heller in a prosecution for
a violation of the ordinance of the pe-
titioner.

It is admitted that the petitioner
would not be liable for costs at com-
mon law, and that they can only be
imposed by virtue of statutory enact-
ment. The statutes of this state have
clearly provided for the allowance of
costs in all civil proceedings, and to
the party substantially prevailing, but in
criminal proceedings they only allow
costs to be recovered against the ac-
cused in case of some conviction, and
in some cases in his favor on acquittal
against a private prosecutor, but never
against the public, the state or its au-
thorized representative. A contro-
versy is thus raised as to whether pro-
secution for violations of the ordinances
of municipalities are civil or criminal
proceedings.

Branch of State Government.
"In its governmental capacity a mu-
nicipality is strictly a branch of the
state government within the extent of
its limitations, both as to territory and
powers granted. And in the discharge
of its duties its officers are public officers,
for whose acts the municipality is in
no wise responsible. The enforce-
ment of these penalties and imprison-
ment under the ordinances of the mu-
nicipality are governmental duties for
the protection of society against the
lawless and the preservation of good
order, and is purely a state or public
function, and while it is done in the
name of the municipality, it is by the
sovereignty of the people, and there-
fore in whatever case the state is ex-
empt from liability of costs, the mu-
nicipality is likewise. To hold other-
wise is to make the municipality li-
able for the governmental acts of its
officers, and subject it to a fine in all
cases in which they fail to exact
prosecution against alleged offenders
of its ordinances, and thus subject it
to imminent bankruptcy. The corporate
name of the city of Charleston is a
mere nonentity, representative of the
state or the people residing in the cor-
porate boundaries, and there is neither
law nor justice in inflicting upon them
the costs occasioned by the public offi-
cers instituting certain public prose-
cutions, without sufficient cause or fail-
ing to sustain them by neglect, over-
sight or incapacity when properly in-
stituted. As a part of the state sov-
ereignty they are entitled to immunity
from costs.

Point Still Left Open.

Thus it will be seen that the court
has settled only a minor point of the
case that has caused the city of Char-
leston so much trouble, and the ques-
tion of final power is still left open.
The Democrats are hopeful that Judge
McDonald, president of the court, will
still hold out and again plunge the
city into a fight when the question of
license again comes up May 1.

SHE WAS FROM CHICAGO.

And the Way She Could Sling Slang Was a
Caution.

"On Sunday afternoon last I went for
a walk on Connecticut avenue with my
wife and one of her school friends, a
pretty young married woman from Chi-
cago, who is visiting us," said a citizen
to a Star man. "Our visitor wore a
swell costume—an English walking
dress, I believe it's called—with a lot of
braid and things on it. It was really
a stunning dress, and unique, too, for
I take notice of women's clothes since I
got married, and I certainly hadn't seen
any frock quite so swaggy as this black
dress that our Chicago visitor arrayed
herself in for the promenade.

"Well, the dress certainly attracted
attention. Women coming the other
way would begin to inspect the cut of
the dress when they were half a block
off, and they just riveted their gaze on
it as they passed by our party. Our
quest from Chicago enjoyed their in-
spection of the costume hugely. She
expressed her enjoyment over the sen-
sation she was creating in characteris-
tic Chicagoese. Three young women
more than craned their necks to size up
the frock on the dress.

"Now, you will get next to those girls
a-rubber-necking at this blanket of
mine," she broke out, laughingly, as the
girls passed by; and, say, do you know
it didn't sound half so bad as it does
when I say it!"—Washington Star.

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coughs and colds, down to the very
verge of consumption.

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absolutely free.

COLD CURE

EMINENT TRAGEDIAN SHOWS HIS
FRIEND A POINT.



1.—"Now did I get on?"



2.—"Watched 'em, my boy."



3.—"They rose at me."



4.—"I threw my whole soul into it."



5.—"They said afterward, nothing like
it had ever been seen in that town be-
fore."—From Ally Sloper.

FINANCE AND TRADE.

**The Features of the Money and Stock
Markets.**

NEW YORK, April 25.—Money on call
steady at 2 1/2 per cent; loan loss 2
per cent. Prime mercantile paper 6 1/2
per cent. Sterling exchange strong,
with actual business in bankers' bills
at \$1 54 1/2 for demand, and at \$1 50 1/2
for 60 days. Postpaid rates
at \$1 54 1/2 for 60 days. Postpaid rates
at \$1 54 1/2 for 60 days. Silver cer-
tificates 56 1/2 per cent. Bar silver 56 1/2
cents. Mexican dollars 45 cents.

The market for securities was slug-
gish and almost stagnant to-day.
Prices ruled below Saturday's close
day, and while there was a brief pause
at one time during the morning in the
downward course, due to strength
shown by one or two of the industrial
specialties, the sagging tendency of the
market was practically uninterrupted.
The trading was narrow, and profes-
sional, and declines really represented
nothing more than a natural reaction
from Saturday's advance. The supply
of stock continued very limited, owners
apparently being content to hold their
property for higher prices. Neither is
there any very active demand for
stocks at the present level. The conse-
quence is that the movement of prices
is rather narrow. There being no gen-
uine demand for stock and no real pres-
sure of liquidation, prices naturally lose
one day what they gained the day be-
fore, or gain the next day what they
lose to-day. There was some selling in
this market to-day for London account,
which may have represented liquidation
by timid foreign holders. There was
some speculative activity also, and
quite a wide movement of prices in
some of the high priced industrial spe-
cialties.

Otherwise the market was in the
hands of the room traders.
The bond market was very dull to-
day, and prices drifted to a lower level.
To-day's sales, \$375,000.
United States new 1's advanced 1/2 per

cent to-day, while the 2's declined 1 per
cent, the old 4's coupon 1/2 per cent and
the old 4's regular 1/4 per cent in the
bid price.

The total sales of stocks to-day were
145,100 shares.

Evening Post's London financial ca-
blegram:

"The stock markets here were steady
to-day on the large receipts of gold, but
the close was dull. Spanish 4's and
Americans were comparatively steady,
but dull after improvement.

BONDS AND STOCK QUOTATIONS.

U. S. new 4's reg. 118	Ore. R. & Nav. 42
do coupon 119	Pittsburgh 105
U. S. 4's 107 1/2	Reading 105
do coupon 107 1/2	do first pre. 104
do 4's 107 1/2	Rock Island 82 1/2
U. S. 5's reg. 110 1/2	St. Paul 104
do coupon 110 1/2	do preferred 104
Pacific 6's 105 1/2	St. P. & Omaha 67 1/2
Atchafalpa 105 1/2	do preferred 104
do preferred 105 1/2	Southern Pac. 129
Bal. & Ohio 105 1/2	Texas & Pac. 84
Can. Pacific 105 1/2	Union Pacific 49 1/2
Can. Southern 45	Wabash 66
Central Pacific 111	do preferred 104
Chgo. & N. W. 117 1/2	Wichita & St. P. 115
Chl. & Alton 112	do preferred 104
Chl. & Bur. & Q. 89 1/2	Adams Ex. 97 1/2
C. C. & St. L. 25 1/2	American Ex. 129
Chgo. & G. 111	do preferred 104
Del. & Hudson 104 1/2	Wells Fargo 114
Del. Lack. & W. 141	Am. Spirits 104
Den. & Rio G. 10	do preferred 104
do preferred 104	Am. Tobacco 100 1/2
do 1st pre. 104	do preferred 104
Port Wayne 105 1/2	People's Gas 87 1/2
Lake Erie & St. E. 12 1/2	Col. F. & Iron 17 1/2
do preferred 104	do preferred 104
Lake Shore 100	do preferred 104
Lou. & Nash. 45 1/2	Pacific Mail 21
Mich. Central 100 1/2	Chgo. & N. W. 117 1/2
Mo. Pacific 105 1/2	St. Paul 104
N. Y. Central 105 1/2	Sugar 115
N. Y. Western 105 1/2	Tenn. Coal & I. 104
Northern Pac. 129	do preferred 104
do preferred 105 1/2	Western Union 86 1/2

Breakfast and Provisions.

CHICAGO.—An extraordinary and al-
most uninterrupted rise took place to-
day on the board of trade in the values
of grain and provisions. May wheat
closed 5 1/2c higher than Saturday; July
gained 3 1/2c; corn and oats 1 1/2c; pork
4 1/2c per barrel; lard and ribs 10 and 12 1/2c
each.

Sensational advances in foreign and
outside domestic markets, a decrease of
over three million bushels in the Ameri-
can visible wheat supply and small
world's shipments caused the upturn in
wheat which all other markets followed.

Although Liverpool opening cables to-
day quoted wheat at 3 1/2c a bushel ad-
vance, this market displayed a halting
tendency after the first rush of trading
and throughout the session gave evi-
dence of heavy liquidation of hard spots.
While in the first half hour of the ses-
sion Liverpool had risen the equivalent
of 5 1/2c a bushel, New York 2 1/2c, Minneap-
olis and Duluth 5c, Chicago in the same
time was only 2c up. English country
markets showed a gain of 7 1/2c a bushel
since Friday last, and Mark Lane (Lon-
don) of 3c, while Berlin was quoted 2 1/2c
a bushel higher than Saturday. Liver-
pool continued to climb until at the
close, futures showed a gain of from 5 1/2
to 6 1/2c per bushel. But high and low
spots added to the bears' torment by
reaching a point 5 1/2c above Saturday's
close. This market finally got started
and from around 9c rapidly climbed to
9 1/2c. May, which had started only 1c
higher at \$1 15, suddenly jumped one
and two cents between trades to \$1 20,
the highest price in several years. Chi-
cago receipts were 141 cars, against 150
last year. Minneapolis and Duluth re-
ceived 429 cars, against 503 the previous
year. Chicago received 93 contract.

The Atlantic port clearances of wheat
and flour for the day amounted to 600,000
bushels. The world's shipments to Eu-
rope last week were 7,423,000 bushels,
against 9,052,000 bushels the week before
and 3,822,000 bushels the corresponding
week of 1897. Russia supplied 1,808,000
bushels of the total, compared with
3,240,000 bushels the week of the year be-
fore. The quiet amount on ocean pas-
sage was reduced 880,000 bushels last
week. The domestic visible surprised
the trade by showing a decrease of 3,240-
000, against a reduction for the same
week of last year of only 788,000 bush-
els. The heaviest decrease was at
Chicago, Minneapolis, Duluth and New
York. May dropped back to \$1 17 but
rallied to \$1 20, closing at \$1 19 1/2, sellers,
a net gain of 5 1/2c. After the advance in
July to 9 1/2c the market became very fev-
erish, selling off to 9 1/2c, up to 9 3/4c,
down to 9 1/2c, then up to 9 3/4c, closing
at 9 1/2c. Five minutes after the close
9 1/2c was paid on the curb for July.

Corn was active and strong through-
out the session. Sales for export of
about 1,600,000, an advance at Liverpool
of 1 1/2c to 2 1/2c. Mark Lane (London) were
the chief factors. The visible supply
decreased 3,288,000 bushels; ocean pas-
sage decreased 2,480,000 bushels. July
opened 1 1/2c higher at 32 1/2c, advanced
on heavy trading to 34 1/2c. The close
at 34 1/2c was a net gain of 1 1/2c. Local
receipts were 443 cars.

Scarcity of offerings in oats, advances
abroad and the strength of wheat and
corn helped the oat market early and
contributed to an advance of 1 1/2c in
May and 1 1/4c in July. The visible sup-
ply decreased 971,000 bushels. Local re-
ceipts were 350 cars. July opened 1 1/2c
higher at 24 1/2c, advanced to 25 1/2c, clos-
ing at 25 1/2c.

Provisions were strong and active.
War news and heavy outside specula-
tive buying were the chief factors.
Packers bought sparingly. Liverpool was
up 6d to 1s on bacon, against a rise
of 1 1/2d on Saturday. July pork sold be-
tween \$11 10 1/2 and 11 1/4, closing with a net
gain of 4 1/2c at \$11 45. July lard ranged
from \$5 62 1/2 to 5 7 1/2, closing at \$5 70 1/2
5 7 1/2, a net gain of 12 1/2c. July ribs sold
at \$5 50 1/2 to 5 55 1/2, closing at \$5 50, a net
gain of 10c.

Estimated receipts to-morrow: Wheat
160 cars; corn 625 cars; oats 690 cars;
hogs 26,000 head.

The leading futures ranged as follows:

Articles.	Open.	High.	Low.	Close.
Wheat, No. 2	\$1 15	\$1 20	\$1 15	\$1 19 1/2
May	80 1/2	81 1/2	80 1/2	80 1/2
Sept.	81 1/2	82 1/2	81 1/2	81 1/2
Corn, No. 2	32 1/2	33 1/2	32 1/2	33 1/2
May	32 1/2	33 1/2	32 1/2	33 1/2
Sept.	33 1/2	34 1/2	33 1/2	34 1/2
Oats, No. 2	27 1/2	28 1/2	27 1/2	28 1/2
May	27 1/2	28 1/2	27 1/2	28 1/2
Sept.	28 1/2	29 1/2	28 1/2	29 1/2
Mess Pork	11 00	11 25 1/2	11 00	11 25
May	11 00	11 25 1/2	11 00	11 25
July	11 10	11 45 1/2	11 10	11 45
Lard	5 50	5 70	5 50	5 62 1/2
May	5 50	5 70	5 50	5 62 1/2
July	5 50	5 70	5 50	5 62 1/2
Sept.	5 50	5 70	5 50	5 62 1/2

Cash quotations were as follows:
Flour—Demand good; prices 2 1/2c to 3c
higher on foreign demand.
Wheat—No. 2 spring \$1 15 1/2 nominal;
No. 3 spring 9 1/2c to \$1 10; No. 2 red \$1 18 1/2
to 1 19.

Corn—No. 2, 3 1/2c to 3 3/4c; No. 2 yellow
3 1/2c to 3 3/4c.
Oats—No. 2, 22c; No. 2 white 31c to 31 1/2c;
No. 3 white 30 1/2c to 31c.
Rye—No. 2, 59c.
Barley—No. 2, 43c to 50c.
Flaxseed—No. 1, \$1 20 1/2 to 1 20.
Timothyseed—Prime 12c to 15c.
Pork—Mess per barrel \$11 20 1/2 to 11 25.
Lard—Per 100 lbs \$5 62 1/2.
Short ribs—Sides (loose) \$5 35 1/2 to 55c;
Jas. salted shoulders (boxed) \$4 75 to 50c;
Short ribs—Sides (boxed) \$5 65 to 75c.
Whisky—Distillers' finished goods per
gallon \$1 20.

Butter—Market steady; creameries 13
1/2c to 14c; dairies 12 1/2c to 13c.
Eggs—Steady; fresh 10c.
Cheese—Dull and unchanged.

NEW YORK.—Flour, receipts 25,700
barrels; exports 8,800 bushels; market
strong.

Wheat, receipts 194,250 bushels; ex-
ports 258,741 bushels; spot strong; No. 2
red \$1 18 1/2, f. o. b. and adroit; options
developed sensational strength to-day.
Except for a slight noon reaction under
realizing they advanced steadily all day

and closed 1 1/2c net higher, latter
on near months, in which shorts covered
excitedly. No. 2 red May closed at
\$1 18 1/2.

Corn, receipts 332,200 bushels; exports
182,500 bushels; spot strong; No. 2, 49c;
options strong and active all day, clos-
ing 1 1/2c net higher. May closed at 33 1/2c;
July closed at 33 1/2c.

Oats, receipts 274,500 bushels; exports
49,000 bushels; spot strong; No. 2, 35c;
No. 3, 32 1/2c; No. 2 white 35c; No. 3 white
32 1/2c; track white 33 1/2c to 34c; track mixed
western 32 1/2c; options strong but quiet
with corn, closing 1 1/2c net higher; May
32 1/2c.

Hay quiet. Hops steady. Hides quiet.
Leather steady.

Beef strong. Cattle steady. Lard
strong; western steamed 5 1/2c; refined
strong. Pork strong. Tallow firm. Cot-
tonseed oil firm. Rosin steady. Tur-
entine firm. Rice strong. Molasses
steady.

Coffee, options, steady, closed un-
changed to 5 points higher; sales 12,700
bags. Sugar, raw strong and held high-
er; refined strong.

BALTIMORE.—Flour strong and
higher. Wheat strong and higher; spot
\$1 10 1/2 to 10 1/4; month and May \$1 10 1/2
to 10 1/4; receipts 50,600 bushels; exports
112,200 bushels. Corn strong and higher;
spot 38 1/2c bid; month 38 1/2c to 38 3/4c; May
38 1/2c to 38 3/4c; receipts 145,000 bushels; ex-
ports 307,254 bushels. Oats strong and
higher; No. 2 white 36 1/2c to 36 3/4c; No. 2
mixed 36 1/2c to 36 3/4c; receipts 13,700 bushels;
exports none. Rye strong and higher;
No. 2 nearby 62 1/2c to 62 3/4c; No. 2 western
62 1/2c to 62 3/4c; receipts 2,199 bushels; exports 25,400
bushels. Hay firm; choice timothy
\$12 50 to 13 00. Grain freights strong and
higher. Butter firm; fancy creamery
20c; imitation 17 1/2c; do ladle 15c; good
ladle 13 1/2c; store packed 10 1/2c. Eggs
firm; fresh 11c. Cheese steady; fancy
New York large 9 1/2c to 9 3/4c; do medium
9 1/2c to 10c; do small 10 1/2c to 10 3/4c.

CINCINNATI.—Flour firm and high-
er; fancy \$1 70 1/2 to 70 1/4. Wheat firm; No.
2 red \$1 05. Corn firm and higher; No.
2 mixed 35c. Oats firm; No. 2 mixed 30 1/2c
to 30 3/4c. Rye firm; No. 2, 58c. Lard firm
at \$5 45. Bulk meats firm and higher at
\$5 75. Bacon firm and higher at \$5 50.
Whisky active and strong at \$1 21. But-
ter steady. Sugar firm; hard refined 4 1/2c
to 4 3/4c. Eggs quiet at 9c. Cheese
steady; good to prime Ohio flat 8 1/2c to 8 3/4c.

PHILADELPHIA.—Wheat 5c high-
er; contract grade April \$1 09 1/2 to 1 09 1/4.
Corn 1c higher; No. 2 mixed April and
May 38 1/2c to 38 3/4c. Flour strong and 10c
to 10 1/2c higher. Buttermilk steady; fancy west-
ern creamery 19c; do primus 18c. Eggs
steady; fresh nearby 11 1/2c; do western
11 1/2c; do southern 13 1/2c. Cheese firm.

TOLEDO.—Wheat higher; No. 2 cash
\$1 10; May \$1 09 1/2. Corn active and
firm; No. 2 mixed 34c. Oats dull; No. 2
mixed 29c. Rye dull but higher; No. 2
cash 58c. Cloverseed active and steady;
prime cash and April \$3 15. Oil un-
changed.

Live Stock.
CHICAGO.—The scarcity of offerings
in the cattle market to-day caused a
hardening of values and in some in-
stances prices were 10c higher per 100
lbs. Sales were largely at \$4 35 1/2 to 4 45
for beef steers, common to fair selling at
\$3 85 to 4 25. Prime cattle were scarce
and nominal at \$5 20 to 5 40. Stockers
and feeders sold at \$3 65 to 4 20; cows and
heifers at \$3 10 to 3 55. A good local de-
mand for hogs brought about the recov-
ery of a 5c decline at the start. Pack-
ers were active buyers. Hogs sold on a
range of \$3 75 to 4 05, chiefly at \$3 90 to
4 00. Pigs sold at \$3 50 to 3 90. The mar-
ket closed firm. Trade in sheep was
fairly active and prices were a shade
higher. Clipped lambs sold freely at
\$4 25 to 4 55 and woolled at \$5 00 to 5 55;
feeders at \$4 00 to 4 20; clipped sheep
brought \$3 50 to 4 20; yearlings at \$4 25
to 5 00. Receipts, cattle 11,500 head; hogs
46,000 head; sheep 14,000 head.

EAST LIBERTY.—Cattle firm and
higher; extra \$15 to 20; prime \$10 50
to 11 00; common \$9 00 to 9 50. Hogs fairly
active at a decline of 20c from Satur-
day's closing prices; prime medium
\$4 05 to 4 10; best Yorkers 4 00 to 4 05;
light Yorkers \$3 95 to 4 00; pigs, as to
quality, \$3 70 to 3 90; heavy hogs \$4 00 to
4 10; good roughs \$3 25 to 3 50; common
to fair roughs \$2 50 to 3 00. Sheep sold
at \$3 50 to 4 00; choice clipped lambs \$4 50 to 5 00;
common to good \$4 00 to 4 50; spring
lambs \$5 00 to 5 50. Veal calves \$5 00 to 5 50.

CINCINNATI.—Hogs active at \$3 10 to
3 30.

Metals.
NEW YORK.—Metals—The week
opens with nearly all departments decid-
edly better. Condition due in part to
increased inquiry. At the close the ex-
change called in